

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Appl. No. : 09/875,446  
Appellant : Davin J. Fifield, et al.  
Filed : June 5, 2001  
TC/A.U. : 2176  
Examiner : Gautam Sain

Confirmation No. 5057

Docket No. : 43576.830012.US1

Commissioner for Patents  
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Holland & Hart LLP

By: 

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**REPLY BRIEF**

This Reply Brief is submitted in response to the Examiner's Answer mailed June 22, 2007.

On page 11, the Examiner asserts that "...Smithies '835 does not explicitly teach **a second hash operation on data concatenated to a presentation.** ... It would have been obvious to one of ordinary skill in the art at the time of the invention to equate [sic] the **first hash and the second hash** as a equivalent to SHA-1 is used for both 'sign' and 'affirm'." (Emphasis in original.)

Appellants respectfully note that the Examiner has not addressed several limitations of claim 1 in the discussion of Smithies '835. Namely, after performing a first hash to generate a representation, data identifying a user is added to the representation and then a second hash operation is performed to generate **a representation of the contents of the electronic transcript and the data.** (Emphasis added.) Claim 1 calls for, *inter alia*, a method for electronically signing an electronic transcript, comprising performing a first hash operation on the electronic transcript to generate a representation of the contents of the electronic transcript; concatenating data to the representation of the contents of the electronic transcript, the data identifying a user; performing a second hash

operation on the data concatenated to the representation, the second hash operation generating a representation of the contents of the electronic transcript and the data. Smithies '835 does not teach or suggest all of the limitations of claim 1, including performing a second hash on the data concatenated to the representation (i.e., the data already added to the representation), and generating a representation of the contents of the electronic transcript and the data. Accordingly, claim 1 is believed to be allowable.

On page 11, the Examiner asserts that "...Kocher '509...discloses a particular preprocessing technique appropriate for data items such as digital certificates. The certificate issue name 301 is hashed at step 303, and at step 304, the hashed issuer name is concatenated with the certificate serial number 302 to produce the processed digital certificate 305. (The serial number could also be hashed before concatenation.)" On page 12, the Examiner asserts that **"...a second hash operation on data concatenated to a presentation as** equivalent to digital certificates, where. the certificate issuer name 301 is hashed at step 303, and at step 304, the hashed issuer name is concatenated with the certificate serial number 302 to produce the processed digital certificate 305. (The serial number could also be hashed before concatenation.)" (Emphasis in original.)

Appellants respectfully disagree. Kocher '509 teaches away from the present invention as claimed in that one hash operation is provided at step 303 on the certificate issuer name 301 and another hash operation is provided prior to step 304 on certificate serial number 302. As such, Kocher '509 discloses conducting two hashes on separate data elements which are subsequently concatenated (or added) to one another after performance of each separate hash. As discussed above, claim 1 calls for, *inter alia*, a method for electronically signing an electronic transcript, comprising performing a first hash operation on the electronic transcript to generate a representation of the contents of the electronic transcript; concatenating data to the representation of the contents of the electronic transcript, the data identifying a user; performing a second hash operation on the data concatenated to the representation, the

second hash operation generating a representation of the contents of the electronic transcript and the data. Accordingly, Kocher '509 does not teach or suggest the limitations of claim 1, and claim 1 is believed to be allowable.

On page 17, the Examiner raises the KSR decision regarding Appellants previous assertion regarding a failure to establish a *prima facie* case of obviousness. Appellants assert that the KSR decision is not applicable to the previous arguments made in the Appeal Brief, and maintained in this Reply Brief, in that the Appellants argue that the prior art reference must teach or suggest all of the claim limitations, and that the references cited by the Examiner (Smithies '835 and Kocher '509) do not teach or suggest all of the claim limitations of claim 1. In particular, as the Examiner admits, Smithies does not teach or suggest "concatenating data to the representation of the contents of the electronic transcript, said data identifying a user," and "performing a second hash operation on the data concatenated to the representation, the second hash operation generating a representation of the contents of the electronic transcript and the data." As defined by the claim, the "representation of the contents of the electronic transcript" is the result of step (a) in the claim, namely the performing of a first hash on an electronic transcript. Accordingly, claim 1 is believed to be allowable.

Claims 2-6, which each depend directly from independent claim 1, are believed to be allowable for at least the above-identified reasons with respect to claim 1.

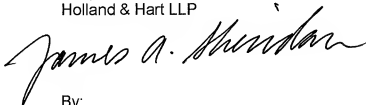
Claims 7-9 contain recitations similar to the recitations of claim 1 noted above and, at least by virtue of the similarity, are allowable over Smithies and Kocher either alone or in any reasonable combination thereof.

Claims 10-20 which each depend directly from independent claim 9, are believed to be allowable for at least the above-identified reasons with respect to claim 9.

### Conclusion

In summary, the art of record does not teach nor suggest the subject matter of Appellants' claims 1-20. These claims are therefore believed to be allowable.

Respectfully submitted,  
Holland & Hart LLP

A handwritten signature in black ink, reading "James A. Sheridan". The signature is fluid and cursive, with a large, stylized "J" and "S".

By: \_\_\_\_\_

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